

AN ACT concerning minors.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Juvenile Court Act of 1987 is amended by adding Section 1-4.2 as follows:

(705 ILCS 405/1-4.2 new)

Sec. 1-4.2. Special immigrant minor.

(a) The court hearing a case under this Act has jurisdiction to make the findings necessary to enable a minor who has been adjudicated a ward of the court to petition the United States Citizenship and Immigration Services for classification as a special immigrant juvenile under 8 U.S.C. 1101(a)(27)(J). A minor for whom the court finds under subsection (b) shall remain under the jurisdiction of the court until his or her special immigrant juvenile petition is filed with the United States Citizenship and Immigration Services, or its successor agency.

(b) If a motion requests findings regarding Special Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and the evidence, which may consist solely of, but is not limited to, a declaration of the minor, supports the findings, the court shall issue an order that includes the following findings:

(1) the minor is:

(i) declared a dependent of the court; or

(ii) legally committed to, or placed under the custody of, a State agency or department, or an individual or entity appointed by the court;

(2) that reunification of the minor with one or both of the minor's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the minor to be returned to the minor's or parent's previous country of nationality or last habitual residence.

(c) For purposes of this Section:

"Abandonment" means, but is not limited to, the failure of a parent or legal guardian to maintain a reasonable degree of interest, concern, or responsibility for the welfare of his or her minor child or ward. "Abandonment" includes the definition of "dependency" provided in Section 2-4.

"Abuse" has the meaning provided in Section 2-3.

"Neglect" has the meaning provided in Section 2-3.

Section 10. The Probate Act of 1975 is amended by changing Section 11-5.5 as follows:

(755 ILCS 5/11-5.5)

Sec. 11-5.5. Special immigrant minor findings; appointment of guardian for person aged 18 to 21 years; duties of guardian;

additional services.

(a) For the purpose of making a finding under this Section:

"Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the minor or when one or both of the minor's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A court of this State that is competent to adjudicate a petition for guardianship has jurisdiction to make the findings necessary to enable a minor, who is the subject of a petition for guardianship, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code.

(c) If a motion requests findings regarding Special Immigrant Juvenile Status under Section 1101(a)(27)(J) of

Title 8 of the United States Code, and the evidence, which may consist solely of, but is not limited to, a declaration by the minor, supports the findings, the court shall issue an order, that includes the following findings:

(1) (A) the minor is declared a dependent of the court; or (B) the minor is legally committed to, or placed under the custody of, a State agency or department or an individual or entity appointed by the court; and

(2) that reunification of the minor with one or both of the minor's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the minor to be returned to the minor's or parent's previous country of nationality or last habitual residence.

(d) In any proceedings in response to a motion that the court make the findings necessary to support a petition for classification as a Special Immigrant Juvenile, information regarding the immigration status of the minor, the minor's parent, or the minor's guardian that is not otherwise protected by State confidentiality laws shall remain confidential and shall be available for inspection only by the court, the minor who is the subject of the proceeding, the parties, the attorneys for the parties, the minor's counsel, and the minor's parent or guardian.

(e) (1) For purposes of this subsection, "minor" includes an unmarried person who is less than 21 years old who consents

to the appointment of a guardian or the continuation of a guardianship after the age of 18.

(2) A court making determinations under this subsection shall consider the best interest of the minor, including his or her protection, well-being, care, and custody. The court shall make decisions regarding findings, orders, or referrals to support the health, safety, and welfare of a minor or to remedy the effects on a minor of abuse, neglect, abandonment, or similar circumstances. A court making determinations under this subsection shall be acting as a juvenile court.

(3) A petition for guardianship of the person of a minor who is 18 years of age or older, but who has not yet attained 21 years of age, may be filed by a parent, relative, or nonrelative person over the age of 21.

(4) With the consent of the minor, the court shall appoint the petitioner as the guardian of the person for a minor who is 18 years of age or older, but who has not yet attained 21 years of age, in connection with a motion for special findings under this Section.

(5) At the request of, or with the consent of, the minor, the court shall extend an existing guardianship of the person for a minor over 18 years of age, for purposes of allowing the minor to request special findings under this Section.

(6) A guardian appointed pursuant to this subsection shall have responsibility for the custody, nurture, and tuition of the minor, and shall have the right to determine the minor's

residence based on the minor's best interest. This subsection does not authorize the guardian to abrogate certain rights that a person who has attained 18 years of age may have under State law, including, but not limited to, decisions regarding the minor's medical treatment without the minor's express consent.

(7) A minor who is the subject of a petition for guardianship or for extension of guardianship under this subsection may be referred for psychological, educational, medical, or social services that may be deemed necessary as a result of parental abuse, abandonment, or neglect, or for protection against trafficking or domestic violence. Participation in any referred services shall be voluntary.

(Source: P.A. 101-121, eff. 11-25-19 (see P.A. 101-592 for the effective date of changes made by P.A. 101-121).)

(705 ILCS 405/2-4a rep.)

Section 15. The Juvenile Court Act of 1987 is amended by repealing Section 2-4a.

Section 99. Effective date. This Act takes effect upon becoming law.